

MAY 31 2016

JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

UNITED STATES OF AMERICA

:

: Case No. 2:16CR19

v.

:

: Violations: 30 U.S.C. § 820(d)

BRESEE TRUCKING COMPANY, INC. :

HILLIS BRESEE :

:

INFORMATION

INTRODUCTION

The United States Attorney charges that:

1. At all times relevant to the information, BRESEE TRUCKING COMPANY, INC. ("BRESEE TRUCKING"), and HILLIS BRESEE were operators as defined by 30 U.S.C. §§ 802(d), 820(c) and 820(d), and subject to the provisions of the Federal Mine Safety and Health Act under Title 30, United States Code, Section 803, in that the mine operator for which they provided contracted services extracted products from a coal mine that entered or affected interstate commerce.

2. At all times relevant to the indictment, HILLIS BRESEE was the owner and operator of BRESEE TRUCKING.

3. In order to protect the coal industry's "most precious resource - the miner" Congress enacted the Federal Mine Safety and Health Act. The Act and regulations passed by the Secretary of Labor set forth mandatory health and safety standards to which each operator and its agents must adhere. Included in these standards are safety examinations and record keeping requirements.

4. This introduction is realleged and incorporated by reference into each count of this information.

COUNT ONE

1. That in or about February 2012, in the Western District of Virginia, HILLIS BRESEE and BRESEE TRUCKING, through its agents, by providing advance notice, aided and abetted the willful violation of the mandatory safety standard (Title 30, Code of Federal Regulations, Section 77.1605(b)) which required all mobile equipment, including coal haul tractor-trailers, to be equipped with adequate brakes.

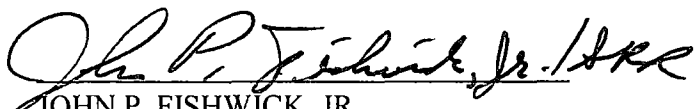
2. All in violation of Title 30, United States Code, Section 820(d).

COUNT TWO

1. That in or about February 2012, in the Western District of Virginia, BRESEE TRUCKING, through its agents, willfully violated a mandatory safety standard by failing to ensure that adequate inspections of coal haul tractor-trailers were made, in violation of Title 30, Code of Federal Regulations, Section 77.1606(a).

2. All in violation of Title 30, United States Code, Section 820(d).

This 31st day of May, 2016.


JOHN P. FISHWICK, JR.
United States Attorney